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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/249, 916	02/12/99	HOERNER	B 96-007B

□	PM92/1108	EXAMINER
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ART UNIT	PAPER NUMBER
3634	3

DATE MAILED: 11/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/249,916	Applicant(s) Hoerner
	Examiner Bruce A. Lev	Group Art Unit 3634

Responsive to communication(s) filed on Feb 12, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 17-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 17-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

On page 1, --, now abandoned-- should appear after "Serial No. 08/679,411 filed May 28, 1996".

On page 8, line 5, reference No.'s "37" and "38" are referred to as "opposed ends", however, on page 8, line 8, they are referred to as "expanded regions".

### ***Claim Rejections - 35 USC § 112***

2. Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 17, it is unclear how the layers can be movable relative to one another when they are "held in place" by the frame. This recitation is being interpreted to mean that the layers are relatively movable until such time that they become held in place by the frame.

As concerns claim 20, the phrase "and to provide relative movement between the layers", lines 3-4, renders the claim as vague and indefinite. What provides relative movement between the layers? The step of inserting? Note that claim 20 is a method claim and the method steps should be positively set forth.

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***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaner et al 5,445,208.

As concerns claim 17, Shaner sets forth a panel for a sectional door comprising a frame (best viewed in Figures 6-8 and inclusive of members 106 and 108) defining at least one central area; and a plurality of material layers (inclusive of members 102, 104, and 112) received within the central area and held in place by the frame , the layers being movable relative to each other (viewed as such since members, inclusive of 104, 110, and 112, are placed and moved individually into their respective positions within the frame).

As concerns claim 18, Shaner sets forth the frame comprising first and second aluminum extrusions (viewed as inclusive of members 106 and 108 and further discussed in column 8, lines 50-57) joined together by at least one weldment (viewed as inclusive of member 25b).

As concerns claim 20, Shaner sets forth the sectional door panel, as advanced above, including the method of providing a frame defining a central area; and inserting layers of material into the central area, and to provide relative movement between the layers.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaner.

Shaner sets forth the panel, as advanced above, including that it is known to form panels comprising a polystyrene core and polyethylene layers (discussed in column 2, line 29 through column 3, lines 8, and column 4, line 43, through column 5, line 2). **What Shaner does not set forth** is the combination of a styrene core sandwiched between polyethylene skin layers.

However, the examiner takes the position that since it is known in the art to form panels comprising a polystyrene core and polyethylene layers it would have been obvious to modify the panels of Shaner to incorporate the combination of a styrene core sandwiched between polyethylene skin layers, in order to reduce the weight and increase the strength of the overall panel.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following references disclose panels comprising frames and a plurality of layers movable relative to each other:

2,091,012	Pratt	160/232
4,019,555	Oshiro	160/371
5,799,449	Lyons et al	296/201x

The following references disclose panels comprising frames and a plurality of layers incorporating materials inclusive of polystyrene and polyethylene:

4,226,910	Dahlen et al	52/309.14x
5,509,457	Jella	160/232x
5,727,349	McLaughlin	49/501
5,743,057	Martin	49/501x
5,775,041	Tull et al	49/501x
5,848,508	Albrecht	52/309.14x

The following references disclose sectional door panels incorporating flexible hinge members:

4,567,931	Wentzel	160/232
4,747,441	Apolzer	160/232x
5,613,541	Bradbury	160/232x

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

November 4, 1999



*Bruce A. Lev*

*Patent Examiner*

*Group 3600*



Daniel P. Stodola  
Supervisory Patent Examiner  
Group 3600